

ZUCKERMAN
SPAEDERCaroline E. Reynolds
Zuckerman Spaeder LLP
creynolds@zuckerman.com
(202) 778-1859USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 04/14/2023

April 14, 2023

Hon. Valerie E. Caproni
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007Re: *Popovchak et al. v. UnitedHealth Group Incorp. et al.*, No. 1:22-cv-10756,
Amended Complaint, Briefing Schedule, and Request for Adjournment.

Dear Judge Caproni:

On behalf of Plaintiffs Alexandra Popovchak and Oscar Gonzalez (“Plaintiffs”) and Defendants UnitedHealth Group Incorporated, United Healthcare Insurance Company, United Healthcare Services, Inc., and United Healthcare Service LLC (“Defendants”), I write to notify the Court of an important development in this matter and to request a modification to the schedule the Court has ordered.

First, pursuant to Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure, Plaintiffs intend to file an amended complaint on April 14, 2023, which is within 21 days after Defendants served their Motion to Dismiss on March 24, 2023. Accordingly, the parties jointly request that the Court modify its Order directing Defendants to re-file their Motion to Dismiss on April 14, 2022, in accordance with the parties’ proposed briefing schedule below. ECF No. 29.

Second, since Plaintiffs intend to file an amended complaint, the parties jointly propose the following briefing schedule. Defendants will have **30 days (until May 15)** to respond after the filing of the amended complaint; if Defendants file a motion to dismiss, Plaintiffs will have **30 days (until June 14)** to oppose it; and Defendants will have **14 days (until June 28)** to reply.

Third, Plaintiffs request that the initial pretrial conference currently scheduled for April 28, 2023 be adjourned for an alternative date as Caroline E. Reynolds, lead counsel for Plaintiffs, has an oral argument in another matter scheduled for the same day. Defendants consent to this request and the parties have not previously requested adjournment. Counsel for Plaintiffs and Defendants are available on May 12th and May 19th, 2023, as well as throughout the week of May 8th, 2023. The parties also request that the deadline for the joint letter summarizing this case, as outlined in

APRIL 14, 2023
PAGE 2

the Notice of Initial Pretrial Conference, ECF No. 28 at 2, be moved to seven days prior to the rescheduled initial pretrial conference.

Respectfully submitted,

/s/ Caroline E. Reynolds

Caroline E. Reynolds
Counsel for Plaintiffs

/s/ Heather L. Richardson

Heather L. Richardson
Counsel for Defendants

cc: All Counsel

Application GRANTED. Defendants must answer or otherwise respond to the anticipated Amended Complaint not later than **Monday, May 15, 2023**. If Defendants move to dismiss, Plaintiffs must respond not later than **Wednesday, June 14, 2023**, and Defendants must reply not later than **Wednesday, June 28, 2023**.

The Initial Pre-Trial Conference scheduled for Friday, April 28, 2023 at 10:00 A.M. is hereby adjourned until **Friday, May 19, 2023 at 10:00 A.M.** The parties must submit a joint letter and proposed case management plan as set forth at Dkt. 28 not later than **Thursday, May 11, 2023**.

SO ORDERED.

 04/14/2023

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

APRIL 14, 2023
PAGE 3

CERTIFICATE OF SERVICE

I certify that, on April 14, 2023 I caused the foregoing letter to be filed via the Court's CM/ECF system and served on all counsel of record.

/s/ Trillium Chang